

CITT

(CITIZENS' INDEPENDENT TRANSPORTATION TRUST)

Budget & Finance Committee

Friday, April 15, 2005

Stephen P. Clark Center

111 N.W. First Street

10th Floor Conference Room

9:30 a.m.

Summary of Minutes

MEMBERS PRESENT:

Theodore Wilde, Chairman
Miles Moss
Hon. Linda Zilber

Marc Buoniconti
Yolanda Aguilar
Henry Lee Givens

ASSISTANT COUNTY ATTORNEY:

Bruce Libhaber

COMMISSIONER GIMENEZ:

Ruben Arias

OTHERS PRESENT:

Nan A. Markowitz, OCITT Executive Director
Ed Colby, Washington Group
Jennifer Wilkins, MDT Rail Rehab
George Navarrete, MDT
Joanna Santiago, OCITT
Maria Cerna, MDT
Patrice Rosemond, OCITT

John Prats, OCITT
David Tinder, PWD
Mayra Bustamante, MDT
Marlene Amaro, OCITT
Patty David, OCITT
Charles Parkinson, MDT
Larry Lebowitz, Miami Herald

Mr. Wilde announced that due to a lack of quorum, he asked Mr. David Tinder, PTP Coordinator to discuss the Public Works Department Informational Items.

INFORMATIONAL ITEMS

1. MDT Small Purchase Orders for February 2005
2. Award of Competitive Bids Processed by the DPM on behalf of MDT
3. PTP Guardrail Contract Project No. 20030011
4. PTP Resurfacing Project No. 20040506
5. PTP Resurfacing Project No. 20040507
6. PTP Resurfacing Project No. 20040508
7. PTP Resurfacing Project No. 20040509

Mr. Tinder stated that the Public Works Department has five new contracts, four of which are exclusively resurfacing, at a cost of \$2 million dollars apiece. Since H&R Paving was the lowest bidder on each of the contracts, they've been awarded all four contracts. The fifth contract for PTP Guardrails was awarded to the proposed sole bidder. This contract will address neighborhood improvements, which were set aside in Commission Districts at

approximately nine million dollars per year. It is up to the Commissioners' discretion as to how those funds will be utilized. However, the resurfacing contracts list the majority of the awards that are being recommended by Commissioners, along with District evaluations from the PWD.

Mr. Tinder further noted that due to the increase in the price of steel and concrete, there were obstacles in obtaining Guardrail Contract, however, the Public Works Department now has someone to do the work. He further stated that these contracts were purely resurfacing and re-striping. Mr. Tinder continued by stating that PWD now has to do ADA Accessibility. These contracts are for one year with one year renewal.

Mr. Givens asked if any of the construction was involved in the commercial corridors. Mr. Tinder stated that the Commissioner's recommendations would deem the necessity based on yearly allocations. Mr. Givens further asked if there were any provisions to ensure that there weren't any further problems in Coconut Grove. Mr. Tinder stated that there is a very limited severity on resurfacing projects on the impact to residents and businesses. Traffic can be maintained. Access to business is always maintained, so there should be little effect on residents. Mr. Givens stated that when these types of projects are taking place, there needs to be a Public Involvement Plan so that the Trust can be sure that area residents are properly informed.

ROLL CALL

With a quorum present, Mr. Theodore Wilde, Chairman of the Budget and Finance Committee, called the meeting to order at 9:30 a.m.

APPROVAL OF AGENDA

Mr. Wilde requested that Items #6B and #6C be moved after the approval of the Agenda. With an objection, Ms. Zilber noted that #5.B.3 was to be removed from the BFC Agenda and placed on the External Affairs Agenda, as previously mentioned in the March 8, 2005, minutes. The motion was made by Mr. Buoniconti. The motion was seconded by Mr. Moss and carried without dissent.

APPROVAL OF MINUTES - MARCH 8, 2005

Mr. Buoniconti moved to approve the March 8, 2005, minutes. The motion was seconded by Ms. Zilber and carried without dissent.

ACTION ITEMS

- B. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) APPROVING THE BOARD OF COUNTY COMMISSIONERS' (BCC) ACTION, EXECUTING A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN MIAMI-DADE COUNTY AND PARSONS BRINCKERHOFF QUADE AND DOUGLAS, INC., TO PROVIDE PROGRAM MANAGEMENT CONSULTING SERVICES FOR THE IMPLEMENTATION OF THE PEOPLE'S TRANSPORTATION PLAN (PTP), CONTRACT NO. TR04-PTP1, IN AN AMOUNT NOT TO EXCEED \$44 MILLION; AND AUTHORIZING EXECUTION OF CANCELLATION AND RENEWAL PROVISIONS CONTAINED THEREIN**

Mr. George Navarrete, Assistant Director of MDT, stated that Item #6B is the Professional Services Agreement with the firm of Parsons, Brinckerhoff, Quade and Douglas to act as the Program Management Consultant to assist the County in the potential management of DBD

projects, primarily the rail corridors. He further stated that there very broad scope of work included the ability to help other County departments, such as PWD and MPO, along with assisting the County on any funded DBD projects. The contract ceiling is \$44 million. He further stated that at the last RTC meeting there was an amendment approved by that Committee for a change to the item, that even though the ceiling would remain at \$44 million, they would like for the PWD to return to the RTC prior to exceeding \$25 million in the contract. Mr. Tinder stated that the department didn't see that happening prior to the first couple of years. He said that the department did not see the amendment as affecting any of the work.

Ms. Yolanda Aguilar joined the meeting at 9:50 a.m.

Mr. Navarrete stated that the committee had the OIG's Report available, along with a presentation from the that office. An oral presentation accompanied by a written response was made available to them from Parsons, Brinkerhoff. Given this information, he stated that a recommendation was made to the County Manager for the selection of Parson's Brinkerhoff. He further stated that there was a clause in the contract that prohibits Parsons' Brinkerhoff from employing anyone that was used at not only the Big Dig, but any of the other contracts that the OIG looked into, without prior approval by the contracting officers represented. He stated that the representing contracting officer was himself, since his name is in the contract.

Ms. Linda Zilber moved to approve the resolution. The motion was seconded by Ms. Yolanda Aguilar and carried without dissent.

C. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) APPROVING THE BOARD OF COUNTY COMMISSIONERS' (BCC) ACTION, AUTHORIZING THE EXECUTION OF THE FIRST SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN MIAMI-DADE COUNTY AND WASHINGTON GROUP INTERNATIONAL, F/K/A WASHINGTON INFRASTRUCTURE SERVICES, INC., IN THE AMOUNT OF \$14,961,312.63 AND EXERCISING THE CONTRACT OPTION FOR PROVISION OF ENGINEERING SERVICES DURING PHASE 2 OF THE METRORAIL/ METROMOVER MID-LIFE REHABILITATION PROJECT

Mr. George Navarrete stated that this was the first supplemental to the Professional Services Agreement with the Washington Group, who was the consultant employed by Miami-Dade Transit to prepare the specifications for the Metrorail fleet overhaul, which was also known as Phase I, which included not only spec preparation but assisting MDT in the selection of the car builder and the contractor that will be overhauling the vehicles. They will also assist in the preparation of the specs and assistance during the negotiations during the purchasing of the twelve Metromover vehicles. This comprehensive effort is being presented in Phase II, which then provide quality control engineering reviewing services, document control, along with the necessary support services to assist the County in the actual administration of the overall contractor. He further stated that this was a five year effort and the value of the supplemental agreement is \$14.9 million. Mr. Navarrete stated that the total contracts involved will be \$235 million.

In compliance with a request from Mr. Wilde, Mr. Navarrete read staff questions and responses from distributed information.

In a discussion regarding the building of the cars, Mr. Givens asked how many car builders were in the world. Mr. Colby, the Washington Group, stated that four bids had been received, but none from the Japanese. The primary builders who do this type of rehabilitation are the best in the world and they have been on this contract. He further stated that although none of these builders were in the United States; Bombardier is a Canadian company and some of their plants are located in the United States, Maelstrom is a French company and they also have plants in the United States. Calf and Grader have plants in the United States, even though they are foreign owned. There is actually no building of cars left in this country. MDT actually bought the last rapid transit car built in this country, which was known as the Bud car. Mr. Colby stated that Transit will get at least twenty more years out of the rehabilitated car and the cost would be the same as a new car is \$1.7/car, whereas the new car will cost around \$3-4 million/car. He continued to say that the rehabilitation will extend the life of the car about twenty years.

Mr. Wilde said that the Project Review Committee will be supervising this project. He asked, can funds to be used for maintenance be used for this rehab as well? Ms. Mayra Bustamante, MDT, stated that this is not contained within the pro forma to be used for capital. There will be no money except for the PTP money. There is verbiage in the contract in case there are any federal grants which might arise and be obtainable in the future, but this is not intended to be a federal formula grant.

Mr. Wilde stated that there was a question raised about whether this is the total projected cost or is this new cost. Ms. Bustamante responded that the project was listed as part of the \$397 million project that the CITT approved. This was an increase in the amount, but it is part of the listing of the project and at that time, the project was envisioned to be all PTP funded and that's the way it is stated in the pro forma. Ms. Bustamante stated that the 2004 Pro Forma reflects all the new costs. The total cost went from \$188 million to \$235 million a \$52 million increase which includes all of the information that was available. She further stated that the Trust will be receiving a 90 day report which will contain a listing of all the capital projects currently being preformed by the department with the funding source. A comprehensive report will be presented at the end of April.

Mr. Miles moved to approve the resolution. The motion was seconded by Ms. Zilber. The vote failed with a vote of 2-3, with Mr. Moss and Mr. Wilde voting aye and Mr. Buoniconti, Ms. Aguilar and Ms. Zilber voting nay.

Mr. Moss stated that this motion has been previously approved by the board. He, therefore, asked if someone who voted against it would request a reconsideration of the motion. Ms. Zilber motioned to reconsider the motion. Mr. Buoniconti seconded the motion. The vote to reconsider the motion was carried without dissent.

After a lengthy discussion, Mr. Wilde called for a vote to approve the resolution. The motion was passed on one dissenting vote from Mr. Buoniconti.

OLD BUSINESS

RECONSIDERATION OF EXISTING SERVICES AMENDMENT

Jennifer Glazier-Moon, Budget Director for the Office of Strategic Business Management, stated that at the time of the consideration by the BCC and subsequently by the Mayor, there were specific concerns expressed that were related to the previous amendment. These consisted of: (1) the maintenance of effort was not sufficient to fund the transit agency; (2) the method for repaying the use of surtax dollars on preexisting short falls were not specific; (3) there wasn't a binding method for requiring the County to continue the increase on the maintenance of effort that had been originally proposed in the amendment.

Ms. Glazier-Moon stated that a new proposal was developed to address these specific concerns. As to the first concern of properly funding of the unified transit system, it is proposed to increase the fiscal years of '04-'05 General Fund Support to Transit by \$5.129 million bringing the total to \$123.171 million, which was the budget approved prior to the passage of PTP surtax funds in 2002. As to the issue of a more structured loan situation between the funds and the general fund, a line of credit has been developed that outlines exactly what the cash flow intentions are and the payback of those cash flows to be signed by representatives from the BCC and representatives from the CITT, as well as staff to make the contract further binding. Ms. Glazier-Moon further states that these changes were also included in an Ordinance change to be approved by the Board. She stated that the only way the Ordinance could be reversed is by a two-thirds vote, a public hearing, and six weeks between first and second reading. She further stated that there is a penalty in the note that states that in any year, the maintenance of effort is not increase by 3 1/2%, the County will be able to use surtax funds to fund existing services.

Mr. Wilde stated that the changes from before consisted of an initial level of effort which was increased to \$123.171 and secondly, this change is currently proposed as an amendment of the Ordinance and thirdly, is the loan agreement.

After a lengthy conversation, Mr. Bruce Libhaber stated that he spoke with an Assistant County Attorney who works closely with the finance and budget offices. He stated that this attorney specifically does all of the bond work and oversees the bond council and it was made clear that the state statute only discusses bonding as referred to capital costs; it makes no reference to operational costs. It is not only his opinion, but the opinion of other bond council, that you cannot bond, especially in a long-term period, operational costs in order to be consistent with the state statutes. It could be done, however, for capital costs.

Mr. Givens proposed that a workshop deal with this one particular item and all the adjoining issues to address the type of language is necessary, otherwise, let the BCC take a two-thirds vote and amend it with the right language.

Mr. Wilde requested the items on today's agenda, "Reports and Old Business" be placed on the agenda for the meeting to be held on April 26th.

ACTION ITEMS

- A.** RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) APPROVING THE BOARD OF COUNTY COMMISSIONERS' (BCC) ACTION, AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROVIDE UP TO \$100 MILLION IN STATE FUNDS FOR THE EARLINGTON HEIGHTS/MIAMI INTERMODAL CENTER (MIC) CONNECTOR, AND AUTHORIZING THE COUNTY MANAGER TO RECEIVE AND EXPEND FUNDS AND COMMIT UP TO \$217,558,358 MILLION IN CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS AS A LOCAL MATCH AS SPECIFIED IN THE JPA

Mr. Moss moved to approve the resolution item 6A. The motion was seconded by Ms. Aguilar and was carried without dissent.

- D.** RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) APPROVING THE BOARD OF COUNTY COMMISSIONERS' (BCC) ACTION, AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROVIDE \$1,074,000 IN STATE FUNDS FOR THE DESIGN AND CONSTRUCTION OF BUS BAYS AT DESIGNATED LOCATIONS THROUGHOUT MIAMI-DADE COUNTY AND AUTHORIZING THE COUNTY MANAGER TO RECEIVE AND EXPEND FUNDS AND TO COMMIT UP TO \$1,074,000 IN COUNTY CHARTER TRANSIT SYSTEM SURTAX FUNDS AS A LOCAL MATCH AS SPECIFIED IN THE JPA

Mr. Libhaber stated that the amount had been corrected at the BCC meeting to reflect \$1,074,000. He further stated that there were five or six locations that Commissioner Sosa wanted added into the district that her were included in her district.

Mr. Moss moved to approve resolution item 6D. The motion was seconded by Ms. Aguilar and was carried without dissent.

NEW BUSINESS

Mr. Wilde announced that the next Budget & Finance Committee Meeting is scheduled for May 10, 2005, at 9: 30 a.m.

ADJOURNMENT

There being no further business of the Budget & Finance Committee, the meeting was adjourned at 12 noon.